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What to Do if You Are Not Treated Fairly in Court

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You deserve fair and respectful treatment when you go to court. If you had a court hearing and the judge or justice of the town, village, or city court did not treat you fairly and courteously, you have the right to complain. The complaint form is available online at www.nyscjcforms.com. For more information about filing a judicial complaint, please visit www.scjc.state.ny.us or call (585) 784-4141.

The Commission on Judicial Conduct is not a court of appeals. You should not complain to the Commission because you disagree with a justice's ruling.

When should I file a complaint with the Commission?

You may want to file a complaint with the Commission if the justice:

- does not let you speak,
- does not let you ask questions,
- does not let you raise valid claims, or
- says things that make you believe he or she is biased against you because of race, gender, religion, income, or other protected status.

Here are some other examples of unfair treatment in eviction cases:

- The justice refused to consider your claim for reduced rent based on problems with the condition of the home.

- The justice did not allow you to speak about or submit evidence about the basic procedural requirements for an eviction, such as correct service of the court papers, a correct rent demand, or a termination notice.
- The justice told you that you could not raise a defense without an attorney or could not answer the papers orally in court.
- The justice gave the opposing party legal advice about your case prior to your hearing, such as filling out the landlord's eviction papers.
- The justice assumed that you owed rent and would be evicted without making the landlord prove the case, and did not allow you to dispute the landlord's claims.

Remember: Justices should also be treated with respect and courtesy. Do not speak while the justice is speaking, do not raise your voice, and always address the justice as "Your Honor".

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

Last Review Date: May 2025

Last updated on May 21, 2025.

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